APPENDIX A.

Judgment.

United States District Court for the Southern District of California, Central Division.

Tool Research and Engineering Corporation, Plaintiff, vs. Honcor Corporation, Defendant. Civil Action No. 985-61-EAC.

This cause having been heard on May 6-8, 12-15, and June 5, 9-10, 1964, and the issues having been duly tried and a decision having been duly rendered, now in accordance with the findings of fact and conclusions of law, signed concurrently herewith,

IT IS ORDERED AND ADJUDGED that:

I

Green, et al, United States Letters Patent No. 2,975,263 is invalid.

II

Claims 5 and 6 of Anspach, United States Letters Patent No. 2,951,145 are invalid.

III

Defendant has not infringed claims 1-4 of Patent No. 2,975,263, said patent being invalid.

IV

Defendant has not infringed claims 5 and 6 of Patent No. 2,951,145, said patent claims being invalid.

V

Plaintiff's complaint is dismissed.

VI

Defendant shall have judgment against Plaintiff for its taxable costs of this action in the amount of $.....

Dated: ....., 1964.

.....

District Judge

Approved:

Disapproved: as to form this ..... day of ....., 1964.

Thomas P. Mahoney
Attorney for Plaintiff

Receipt of a copy of the Proposed Judgment is acknowledged at 1:10 o'clock P.M. this 21 day of Sept. 1964.

Thomas P. Mahoney
Attorney for Plaintiff

Findings of Fact and Conclusions of Law.

United States District Court for the Southern District of California, Central Division.

Tool Research and Engineering Corporation, Plaintiff, vs. Honcor Corporation, Defendant. Civil Action No. 985-61-EAC.

FINDINGS OF FACT

I

Plaintiff Tool Research and Engineering Corporation is a Delaware corporation having a principal place of business at 9460 Wilshire Boulevard, Beverly Hills, California.

II

Defendant Honcor Corporation is a California corporation having a principal place of business at 12832 Chadron Avenue, Hawthorne, California.

III

This Court has jurisdiction of the parties and of the subject matter of this cause of action under 28 USC 1338(a), 1338(b), and venue herein is proper.

IV

The complaint charges Defendant with wilful and wanton infringement of the Green-Hagan-Barnes Patent No. 2,975,263, also referred to as Green '263, entitled "Method for Producing Honeycomb Structure", filed July 6, 1954, and issued March 14, 1961.

V

The complaint also charges Defendant with wilful and wanton infringement of the Anspach Patent No. 2,951,145, also referred to as Anspach '145, entitled "Method and Apparatus for Fabricating Honeycomb

Core", filed April 28, 1958, and issued August 30, 1960. Claims 1 to 4, inclusive, were withdrawn from contention by Plaintiff during the trial leaving claims 5 and 6 to be considered.

VI

Plaintiff has been and now is the owner of the patents in suit by assignment from John J. Foster Mfg. Co.

VII

Defendant denies infringement, although admitting claims 5 and 6 of Anspach '145 are readable upon Honcor Machine No. 2, and contends that both the Green '263 and Anspach '145 patents are invalid.

VIII

Defendant also contends Green '263 is invalid and unenforceable because procured by fraud.

VALIDITY OF GREEN '263

IX

Green '263 discloses a method of making core using flat material and precorrugated material referred to as "said method" in the patent at column 3, line 28; any difference between the use of the "said method" with flat material and with precorrugated material being such as to be obvious to one skilled in the art.

X

The disclosures of Green '263 directed to the structure and method of the machines of Figures 7 and 8, which Plaintiff admitted did not make core, as well as the disclosure of the structure and method illustrated in Figures 9 to 12, inclusive, are unclaimed and are not involved in this action.

XI

The "said method" using flat material *and known as the "flat pack method"* [E.A.C.] was in public use in 1952 and early 1953, more than one year prior to the filing of Green '263 on July 6, 1954.

XII

The Foster sales of core made by "said method" were without limitation as to secrecy, or otherwise, and without any obligation on the part of the buyer to report to Foster upon what had been done with the core purchased.

XIII

There was no change or experimentation in "said method" in the making of core using flat material after 1952, and the core made and sold was by a method in a perfected state.

XIV

Claims directed to "said method" using precorrugated material were inserted for the first time in the Green '263 patent application on June 28, 1957. *The Green 263 patent application contained disclosures which were adequate basis for the claims directed to the pre-expanded core material method.* [E.A.C.]

XV

Foster began the manufacture and sale of core by "said method" using precorrugated material in 1955.

XVI

The prior patent art of itself did not teach "said method", or of itself teach the method of the Green '263 claims 1 to 4, using precorrugated material, said art included Partiot 2,445,801, Black 2,065,511 and

Young 2,065,546, disclosing welded precorrugated material; and Smith 2,324,435 teaching the use of square fingers in the welding of precorrugated material.

INFRINGEMENT OF GREEN '263

XVII

No findings are made with respect to the question of prima facie infringement of Green '263.

VALIDITY OF ANSPACH '145

XVIII

Anspach '145 discloses a machine for making core using a precorrugated strip and contains six claims, all of which were urged until the end of the trial when all but claims 5 and 6 were withdrawn.

XIX

Claims 5 and 6 of Anspach '145 are limited to a narrow electrode finger which is of lessor width than the cell in which it is located and to which a preformed strip is being welded, but which spans the opposite nodal areas of the cell, the finger being associated with a stripper plate having an opening therein through which the finger is insertable, and with a bed plate.

XX

The function of the welding finger in Anspach '145 is to effect welding at the front node of the cell.

XXI

The extension of the welding finger rearwardly from the node being welded is a matter of design for strength and the finger can be extended towards the nodal area spaced from the node being welded until contact is made, that being the limiting position.

XXII

There was no evidence that any new or surprising result was obtained by extending the finger from the leading node of the cell being welded into contact with the node spaced rearwardly therefrom. Any difference existing between the welding finger of Anspach '145 and the welding fingers of the prior art is merely a matter of degree.

XXIII

The patent to Wegeforth 2,843,722, filed April 2, 1956, discloses a honeycomb core-making machine basically like the Anspach machine of the '145 patent construction.

XXIV

Wegeforth '722 was cited as a reference during the prosecution of Anspach '145 in the Patent Office.

XXV

Wegeforth '722 teaches the equivalent of Anspach's welding finger, stripper plate, and bed plate, all substantially like their respective counterparts in Anspach '145 and cooperating as in Anspach. Any differences between the Anspach '145 and Wegeforth '722 constructions are merely matters of degree.

XXVI

Wegeforth's Machine No. 2, built in accordance with the Wegeforth patent, was in operation in April of 1955 and embodied a stripper plate with an opening for the welding finger, said stripper plate being positioned above the core, the welding finger passing therethrough to welding position, and a bed plate underlying the core and cooperating with the stripper plate to form a core-receiving space, all substantially like and cooperating as

in Anspach '145. Any differences between the Wegeforth Machine No. 2 and Anspach '145 are matters of degree.

XXVII

Wegeforth used various types of movable electrodes including roller electrodes in 1955.

XXVIII

The Wegeforth Machine No. 2 made a belt on April 1, 1955, was in production by April 25, 1955, and produced in continuous production quantities in 1955.

XXIX

The patent to Wilson 3,051,824 was filed January 10, 1958, and issued August 28, 1962.

XXX

Wilson '824 teaches a welding finger, a stripper plate, and a bed plate, all being equivalents of their counterparts in Anspach '145 and all cooperating as in Anspach '145; any differences between the Anspach '145 and Wilson '824 structures are merely matters of degree.

XXXI

Plaintiff did not carry its burden of proof to establish that Anspach made his invention prior to January 10, 1958, the filing date of Wilson '824.

XXXII

The Wilson machine was made in accordance with the Wilson Patent 3,051,824, *except for the difference in the shape of the electrode finger.* [E.A.C.]

XXXIII

The Wilson machine was operable to produce usable core, core which passed the Convair "core tests".

XXXIV

The Wilson machine at Foster was used in the production of core in 1956, some of which was sold prior to the Anspach filing date of April 28, 1958, and prior to any date to which Anspach was entitled.

XXXV

Foster had four additional Wilson machines constructed after making core with Wilson's first machine.

XXXVI

The Hexcel machine No. 2 concerning which Roger Steele, Chairman of the Board of Hexcel Products testified, embodied welding fingers and stripper plates, was in public use and in the production of core sold publicly in February of 1956, more than one year prior to the Anspach filing date of April 28, 1958.

XXXVII

The welding fingers of the Hexcel machine which satisfactorily produced core and were narrow, extended substantially from node to node, not quite spanning the cell, the clearance being one to five thousandths of an inch.

XXXVIII

The claims of the Anspach '145 patent were readable upon the Hexcel machine with the exception of the immaterial fingerspanning-the-cell feature.

XXXIX

The extent to which a welding finger extends rearwardly from the node being welded is a matter of choice, and there was no proof that contact with the rear node was an improvement. The rearward extension was merely a matter of choice.

XL

Welding fingers of various sizes and shapes, including fingers narrower than the cell, were old prior to Anspach in Wilson 3,051,824; Wegeforth 2,843,722; Pigo 2,789,203; Wegeforth machine; and Hexcel machine.

XLI

Welding fingers which span the cell were old prior to Anspach in Wilson 3,051,824; Wasilisin 2,780,716; Spott 2,821,616; Wegeforth machine; Smith 2,324,435, Figures 9 and 10; Partiot 2,445,801, Figure 1.

XLII

Square welding fingers spanning a cell were old prior to any date to which Anspach is entitled as a date of invention in Green-Hagan '263 and in the Wegeforth Machine No. 2.

XLIII

The Board of Interference Examiners in Interference 88,982 held that no invention was required to narrow the Green-Hagan '263 square finger.

XLIV

Hexcel used welding fingers which were narrower than the cell, and substantially cell-spanning, prior to any date to which Anspach was entitled as a date of invention.

XLV

Welding fingers narrower than the cell were old long prior to any date of invention to which Anspach was entitled as evidenced by Wegeforth '722, by the Hexcel Machine No. 2, and by Wilson '824.

XLVI

Stripper plates which hold the core as the welding finger is withdrawn after the welding operation were old prior to any date to which Anspach was entitled as a date of invention as shown by Wegeforth '722, by Wilson '824 and were used in production by Wegeforth, by Hexcel, and by Wilson.

XLVII

The stripper plates of the prior art performed the same functions as the stripper plate of Anspach '145, the Hexcel stripper plate having an opening which closely encloses the welding fingers; the Wegeforth stripper plate having a larger opening, the differences being matters of degree.

INFRINGEMENT OF ANSPACH '145

XLVIII

No findings are made with respect to the matter of prima facie infringement of Anspach '145.

THE ALLEGED FRAUD

XLIX

The oath, which Mr. Hagan admitted reading before signing and which was filed with the Green '263 patent application included the (misrepresentation) *statement* that the disclosed method had not been in public use for more than one year prior to the filing of the application, and the (misrepresentation) *statement* that core in the 'already expanded' condition had been made in accordance "with said method", but the Court does not find that (these misrepresentations) they were fraudulently made.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of the subject matter and of the parties.

2. Plaintiff Tool Research and Engineering Corporation is the owner of all right, title and interest in and to Letters Patent to Green-Hagen 2,975,263 and Anspach 2,951,145.

3. The Green-Hagan '263 patent is invalid because directed to subject matter in public use more than one year prior to the filing date of the application which resulted in the patent.

4. The claims of the Green-Hagan '263 patent call for a method using precorrugated material which is "unpatentable over" the same method using flat material which was in public use more than one year prior to the filing date of the Green '263 patent.

5. The invention claimed in the Green '263 patent is the invention disclosed and the claims thereto are invalid under 25 USC 102(b).

6. The Anspach '145 patent is invalid as being directed to a machine which was unpatentable in view of the earlier patent to Wegeforth 2,843,722.

7. The patent to Anspach '145 is unpatentable in view of the prior invention and public use of the Wegeforth machine more than one year prior to its filing date.

8. The Anspach '145 patent is invalid in view of the prior invention and public use of the Hexcel machine more than one year prior to its filing date.

9. The Anspach '145 patent is invalid as being directed to a machine which was unpatentable in view of the earlier Wilson patent 3,051,824.

10. The Anspach '145 patent is invalid in view of the prior invention and public use of the Wilson machine more than one year prior to its filing date.

11. The test for invention, as set forth in Title 35 USC Section 103, is not met by the Anspach '145 patent in suit, and that patent is invalid.

12. An invalid patent cannot be infringed and Defendant has not infringed Green '263 and Anspach '145.

13. A judgment shall be entered holding claims 5 and 6 of Anspach 2,951,145 and claims 1 to 4, inclusive, of Green 2,975,263 to be invalid and dismissing this action for infringement. Said judgment shall provide that Defendant shall recover its taxable costs in the amount of $..... and have judgment therefor.

Dated: Oct. 13, 1964.

.....

District Judge

Approved:

Disapproved: as to form this ..... day of ....., 1964.

Thomas P. Mahoney
Attorney for Plaintiff

Receipt of a copy of the above Findings of Fact and Conclusions of Law is acknowledged at 1:10 o'clock P.M. this 21 day of Sept.. 1964.

/s/ Thomas P. Mahoney
Thomas P. Mahoney
Attorney for Plaintiff

APPENDIX B.

Opinion of the United States Court of Appeals for the Ninth Circuit.

United States Court of Appeals for the Ninth Circuit.

Tool Research and Engineering Corporation, Appellant, vs. Honcor Corporation, Appellee. No. 20,002.

[September 29, 1966]

Appeal from the United States District Court for the Southern District of California, Central Division.

Before: JERTBERG and ELY, Circuit Judges; and SMITH, District Judge.

SMITH, District Judge:

Plaintiff[1] appeals from a judgment holding invalid J. E. Green et al. Patent No. 2,975,263, a patent on a method of making metallic honeycomb core. The purpose of the core is to maintain the surface sheets of panels used in aircraft and missiles in a spaced relationship with each other. The district court held that the prior art did not teach plaintiff's claimed method but that by reason of the plaintiff's sales of honeycomb core the rights to a patent on the process were lost under Section 102(b), Title 35 U.S.C.[2]

All of the questions in this appeal revolve around two methods of producing honeycomb core—the flat-pack method and the pre-formed or pre-expanded method.

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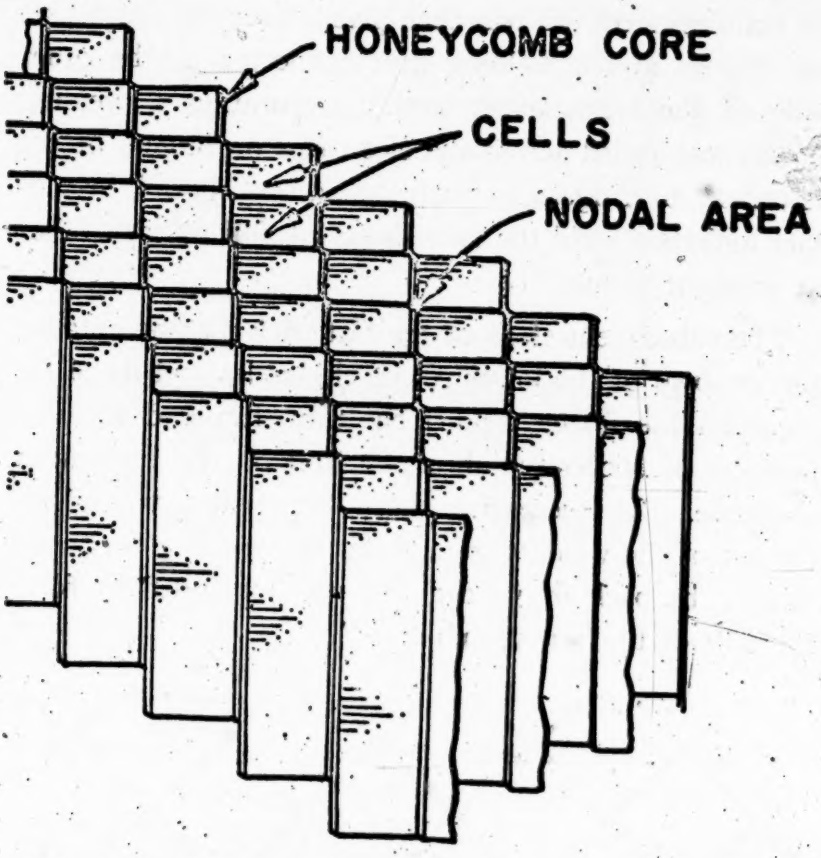
[1]The word "plaintiff" will be used to designate plaintiff and its predecessors.

[2]"A person shall be entitled to a patent unless . . . (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. . . ." 35 U.S.C. 102.

Honeycomb core produced by either method looks like this:



The text of the application for the patent, filed July 6, 1954, was almost exclusively devoted to the flat-pack method and described a process which appellant's brief farily summarizes as follows:[3]

"A first set of flat electrodes or fingers is placed on the top of the table and a flat sheet of stainless steel foil is placed over the first set of fingers. The first set of fingers is connected to a welding transformer. The fingers resemble a comb, and a similar second set of flat fingers is placed over the first sheet of foil with

[3]pp. 13-14 of Appellant's Brief.

the fingers of the second set located in between the fingers of the first set of fingers. A second flat sheet of stainless steel foil was then placed over the second set of fingers and a welding gun connected at the other side of the transformer and incorporating a welding roller, was rolled across the electrodes or fingers of the lower set of fingers to push the second sheet into contact and then weld the two sheets of foil to each other at adjacent points.

The subsequent steps of the flat-pack method entailed the removal of the lower set of electrodes and its placement on the upper welded sheet of foil and the disposition of successive sheets of foil on the uppermost electrode. The successive sheets were then welded by the use of the welding gun. After the welding was completed, the pack of welded foil was expanded to form the cells of the honeycomb core."

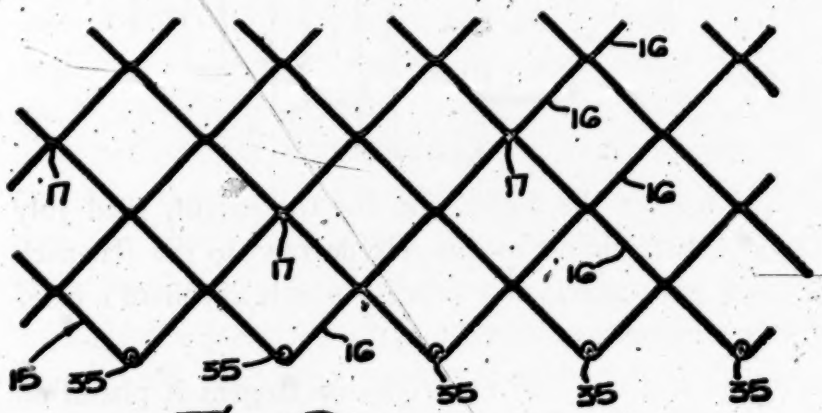


FIG. 6.

Except that Figure 6 (Figure 6 of the patent application) shown above depicts the core produced by either method (the pins 35 would not be shown in a drawing relating to the preform method), the drawings

in the patent relate solely to the flat-pack method and illustrate it as follows:

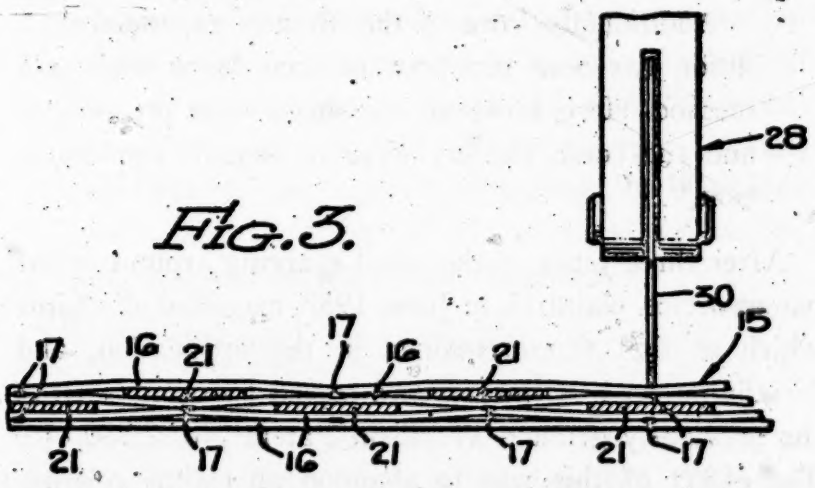


FIG. 3.

Figure 3 (Figure 3 of the patent application) shows the flat foil (No. 16), the fingers (No. 21), the welding gun (No. 28) and the seam welds (No. 17). The drawings here copied do not show it, but the fingers are inter-connected to form what is referred to as a comb. It is clear from the text and the drawings that the structure must be expanded after the welding. This is explained in the patent application:

> The final step is to expand the shaped structure. As indicated in Figure 6, this is accomplished by engaging the lowermost sheet (16) with stationary pegs or pins (35) and exerting a uniform pull on the uppermost sheet (16) to produce the structure shown. The expanded core is then utilized in the usual manner, usually being provided with skin elements (not shown), to form the desired sandwich structure.[4]

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[4]P. 3, lines 11-18 of the letters patent No. 2,975,263.

The only reference in the original application to the preformed method was this:

> Additionally, core in the already expanded condition has been produced in accordance with said method. Here, however, the sheets were pre-formed and the comb fingers were of square configuration.[5]

After three years of the usual sparring around in the patent office, plaintiff, in June, 1957, cancelled all claims which at that time remained in the application, and for the purpose of interference copied two claims from the previously granted Wasilisin Patent No. 2,780,716. The effect of this was to abandon all claims relating to the flat-pack method and to rely entirely upon a method using pre-formed foil.

Claim No. 1 of the plaintiff's patent as finally allowed discloses this method and is as follows:

> The method of making seam-welded honeycomb core comprising the steps of placing a section of corrugated metal foil on a set of spaced, substantially disposed fingers of electrically conductive material, so that the lower portions of the corrugations extend down between the fingers while the upper portions of the corrugations rest upon the fingers, placing a second set of fingers in the lower portions of said section, placing a second section of corrugated metal foil on said second set of fingers so that the lower portions of said second section are in alignment with and contacting the upper portions of the first-mentioned section, placing an electrode in at least one lower portion of said

[5]P. 3, lines 26-30 of the letters patent No. 2,975,263.

second section of foil at a location directly above at least one of the fingers of the first-mentioned set, moving said electrode along said lower portion substantially in alignment with the longitudinal axis of the respective finger of said first-mentioned set while passing electric current between said electrode and said finger through both sections of foil whereby to seam-weld abutting portions of said first and second sections together.

The claims copied from Wasilisin were held to be prior to Wasilisin by the Board of Patent Interference.

That there are differences in the two methods of producing honeycomb core is irrefragable. The one method uses flat foil, employs relatively flat fingers, requires pressure from the welding wheel to bend an upper foil to meet a lower one, and requires a mechanical step of expansion. The other method uses pre-corrugated foil, square fingers, requires no pressure to bring the area to be welded together, and eliminates the expansion step. The pre-formed method lends itself more readily to automation and produces a more uniform core.

The District Court concluded that the Green patent 2,975,263 was invalid because directed to a subject matter in public use more than one year prior to the filing of the application. The conclusion was based on these findings:

XI.

The "said method" using flat material and known as the "flat-pack method" was in public use in 1952 and early 1953, more than one year prior to the filing of Green '263 on July 6, 1954.

XII.

The Foster [plaintiff's predecessor] sales of core made by "said method" were without limitation as to secrecy, or otherwise, and without any obligation on the part of the buyer to report to Foster upon what had been done with the core purchased.

XIII.

There was no change of experimentation in "said method" in the making of core using flat material after 1952, and the core made and sold was by a method in a perfected state.

There is sufficient evidence to support Findings Nos. XII and XIII and Finding No. XI to the extent that that finding relates to the flat-pack method. There were no sales of core produced by the pre-formed method made more than one year prior to the filing date of July 6, 1954.

The record fairly shows that during the period of 1952, 1953 and 1954 the use of welded stainless steel honeycomb core was relatively new. Major aircraft producers were testing it and experimenting with machines to produce it. During this period standards were being developed for the core. Plaintiff using the flat-pack method prior to June, 1953 produced and filled at least four separate orders for core. The money value of the core definitely shown to have been sold was not great, somewhere between five and six hundred dollars. Some core produced by the flat-pack method was given away. It is probable that most, if not all, of the core sold and given away was used by the purchasers for test and

experimental purposes, but certainly plaintiff put no limitation on the use to be made of it. The sales of core were sufficient to put the flat-pack method into public use and we cannot say on the record that the District Court erred in not finding the use experimental.

Having in mind the differences in material used, the steps of production, the adaptability to automation, and the finished product, did the sales of the core produced by the flat-pack method put the pre-formed method in public use? The guide lines, so far established are these: One sale or gift of an article is sufficient to constitute a sale or public use.[6] Where an article is sold the use is public even though the invention be hidden physically or chemically as a part of a larger article.[7] Likewise where an article is sold, there is a sale or public use of the article itself and of all improvements on the thing which would be obvious to one skilled in the art.[8] The holding in Stauffer v. Slenderella Systems of California, 254 F. 2d 127 (9th Cir. 1957), relied upon by appellant is not contrary. See footnote 2, page 128, and the next to the last paragraph at page 130. The language in the opinion appearing to be to the contrary is dictum, and not necessary to the holding of the case.

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[6]Smith & Griggs Mfg. Co. v. Sprague, 123 U. S. 249 (1887).

[7]Egbert v. Lippman, 104 U. S. 333 (1881); Hall v. Macneale, 107 U. S. 90 (1882); Metallizing Engineering Co. v. Kenyon Bearing and A. P. Co., 2 Cir. 1946, 153 F. 2d 516, cert. denied, 328 U. S. 840 (1946).

[8]International Tooth Crown Company v. Gaylord, 140 U. S. 55 (1891). See Dix-Seal Corporation v. New Haven Trap Rock Co. D. Conn. 1964, 236 Fed. Supp. 914, for an able discussion of the problem.

Where a process patent is involved and there is a sale of a product of the process, such is a public use of the process if the product sold discloses the process,[9] or even if it does not.[10]

None of these rules quite compel a result here—here there was no sale within the meaning of §102(b) of the pre-formed core as such, nor was there under any view of the evidence a public use of the exact method patented because, as indicated, the flat-pack method was abandoned in the patent office and the patent issued on claims describing the pre-formed method.

On the facts, the case which most nearly resembles this one is Smith & Griggs Mfg. Co. v. Sprague, 123 U.S. 249 (1887) where the court determined that the sale of a product made by a machine not identical with the one patented constituted a public use. There the patent covered a machine for making levers for boot buckles. The basic machine was used by the inventor in his own established business, and during a period of three years between 1874 and 1877 he made some 7,000,000 buckle levers with it. There was no real effort to keep the use of the machine secret. Within a year prior to the application for a patent the inventor made changes of which the court said:

> The alterations made in the machine in question, however useful, were not vital to its organization. Without them, it could and did work so as to be commercially successful.[11]

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[9]Soffron v. S.W. Lovell & Company, Cir. 1, 1957, 246 F. 2d 769.

[10]Metallizing Engineering Co. v. Kenyon Bearing & Auto Parts Co., *supra*, note 7; Conmar Products Corp. v. Universal Slide Fastener Co., 2 Cir. 1949, 172 F. 2d 150; U. S. Chemical Corporation v. Plastic Glass Corp., 3 Cir. 1957, 243 F. 2d 892, cert. denied, 355 U. S. 836.

[11]Smith & Griggs Mfg. Co. v. Sprague, *supra*, 123 U. S. at p. 265.

The court finally concluded that the use was not experimental and that the patentee had therefore unduly delayed filing his patent application. We deduce from this case that not every improvement is sufficient to take a prior invention out of the operation of Section 102(b). The question then is—what degree of improvement is necessary?

If the purpose of 102(b) is to prevent an inventor from combining a period of monopoly resulting from a public exploitation of a secret use with the period of monopoly protection afforded by the patent,[12] then we see no reason for devising a different test for a process used than for an article sold or a publication made. In either case the invention should fall within 102(b) if the differences between the claimed thing and the sold or used thing are obvious to one skilled in the art. In either case unless the improvements would be patentable, the inventor has used or disclosed his invention contrary to the purpose of Section 102(b).

We agree with the district court that the process was in public use. Whether one method or two be involved and whether we treat the question as one of fact or law, the differences between the flat-pack method and the pre-formed method did not amount to an invention.

Once the flat-pack method is disclosed, we think that the appearance of the completed core in itself suggests to one skilled in the art the use of pre-corrugated foil.[13] After such suggestion the shape of the fingers

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[12]Metallizing Engineering Co. v. Kenyon Bearing & Auto Parts Co., *supra*, note 7, 153 F.2d at p. 520.

[13]The prior art suggests the use of pre-corrugated metal. Smith (2,324,435) and Partiot (2,445,801) patents.

is dictated by the shape of the corrugation. The requirements for pressure on the welding wheel and an expansion step simply disappear.[14]

Hence we hold that the sales of core made by the flat-pack method constituted a public use of the pre-formed method and that under Section 102(b) the Green '263 patent is invalid. The judgment is affirmed.

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[14]At one stage plaintiff seems to have been in agreement. In plaintiff's closing brief in the interference proceeding, it was urged:

> Therefore it is readily apparent that Green et al, [plaintiff's predecessor], the senior party, rely on the entire disclosure of the application including the specification and the drawings [the drawings except for Figure 6 related to the flat-pack method] to support their right to make the two counts of the interference [both referring to the pre-form method] and *it is readily apparent to one skilled in the art how the teachings of the method would be applied to the manufacture of pre-formed core utilizing sections of corrugated metal foil.* (Emphasis added)